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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,716	12/30/2004	Manuel Berejnoi	CELA:125	5206
6160	7590	11/29/2005	EXAMINER	
PARKHURST & WENDEL, L.L.P. 1421 PRINCE STREET SUITE 210 ALEXANDRIA, VA 22314-2805			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/519,716		BEREJNOI ET AL.	
	Examiner		Art Unit	
	Stephen M. Johnson		3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3641

1. The disclosure is objected to because of the following informalities: On page 5, line 11, the phrase “target 11” is inappropriate when item 11 is a support.

Appropriate correction is required.

2. The drawings are objected to because axis 14 (see page 4, line 28) is not illustrated. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, the phrase “the bearing range” lacks an antecedent. In claim 1, line 9,

Art Unit: 3641

the phrase “the whole assembly” lacks an antecedent. Further, it is not understood as to what would or would not be inclusive in the phrase “the whole assembly”. In claim 1, lines 7-8, what is meant by the phrase “articulated in elevation in the bearing range of said cupola” is not understood. In claim 1, lines 8-9, what type or amount of compactness is intended by the phrase “a compactness of the whole assembly with respect to said target”? In claims 2, 4, 6, 7, and 8, the phrase “said launcher” should be claimed as (said launcher device) if the previously claimed launcher device (see claim 1, line 3) is intended. In claim 4, line 5, the phrase “the base” lacks an antecedent. In claim 12, line 3, the phrase “the plane (P1) of bearing rotation” lacks an antecedent.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6/1, 6/2, 6/3, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wey (076).

Wey (076) discloses a defense system comprising:

- | | |
|------------------------|---------------------|
| a) a launching device; | 5, 6, 37 |
| b) control means; | col. 2, lines 18-37 |
| c) a cupola; | 35 |
| d) mobile in bearing; | col. 2, lines 4-6 |
| e) a base; | 7, 55, 59 |
| f) a hinge pin; | 8, 38 |

g) a circular seat; and 59

h) a rack and pinion arrangement. 45, 33

6. Claims 1-3, 6/1, 6/2, 6/3, 7, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiller (215).

Spiller (215) discloses a defense system comprising:

- a) a launching device; mortar barrel
- b) control means; page 3, lines 53-56
- c) a cupola; H, H2
- d) mobile in bearing; page 3, lines 53-56
- e) a base; H
- f) a hinge pin; see fig. 5
- g) a circular seat; and H
- h) a rack and pinion arrangement. K5, K6

7. Claims 1-3, 6/1, 6/2, 6/3, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hochstetler (225).

Hochstetler (225) discloses a defense system comprising:

- a) a launching device; 10a, 10b
- b) control means; page 2, line 52-
page 3, line 70
- c) a cupola; see fig. 3
- d) mobile in bearing; page 2, lines 52-73
- e) a base; see fig. 3

- f) a hinge pin; and 69
- g) a circular seat. see fig. 3

8. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Whinfield et al. (899).

Whinfield et al. (899) disclose a defense system comprising:

- a) a launching device; F
- b) control means; page 2, lines 79-87;
fig. 2
- c) a cupola; B
- d) mobile in bearing; see fig. 2
- e) a base; see figs. 3, 13
(supports B)
- f) a hinge pin; F'
- g) a circular seat; see fig. 9
- h) a jack; see fig. 5
- i) a rod; c2
- j) a lever; c3
- k) a double-acting jack; and see figs. 5, 7
- l) a hydraulic unit. see fig. 5

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877

Art Unit: 3641

and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
November 23, 2005